

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hervé GROUX et al.

Title: USE OF LIPOPEPTIDES FOR ACTIVATING
T LYMPHOCYTES THROUGH THE SKIN

Appl. No.: 10/579,078

Int'l Filing Date: 11/5/2004

371(c) Date:

Examiner: Unassigned

Art Unit: Unassigned

Conf. No.: 1413

PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and the guidelines set forth in M.P.E.P. § 409.03, a request is hereby made to include Hervé Groux as a joint inventor of the above-identified application even though he refuses to join in the application by signing an oath or declaration complying with 37 C.F.R. § 1.63. A declaration complying with 37 C.F.R. § 1.63 signed by the remaining joint inventors is included herewith. Below is a description of the pertinent facts concerning Mr. Groux's refusal to join in the subject application, as well as his last known address.

1. The named inventors of the above-identified application are as follows:

06/18/2007 GFREY1 00000131 10579078 Hervé Groux

02 FC:1464 130.00 OP Valérie Brun

Arnaud Foussat

2. The last known address of Hervé Groux is: 13 chemin des Combes, 06560 Le Rouret, France.

3. The following attempts were made to contact Mr. Groux to inform him that his signature was needed on a Declaration complying with 37 C.F.R. § 1.63 in connection with the above-identified application.
 - a. On January 17, 2007, an Assignment and a Declaration complying with 37 C.F.R. § 1.63, were sent to Mr. Groux from Jacques Warcoin, a European Patent Attorney with the firm of Cabinet Regimbeau, having Power of Attorney in the related international application, by registered mail to the address noted above in paragraph 2. Copies of the letter, an English translation thereof and return receipt are attached to Mr. Warcoin's Statement of Facts in Support of Petition Under 37 C.F.R. § 1.47(a).
 - b. On February 19, 007, Mr. Warcoin received a letter dated February 16, 2007, from Mr. Groux acknowledging receipt of Mr. Warcoin's correspondence and refusing to sign the Declaration and Power of Attorney and Assignment documents. A copy of Mr. Groux's letter, with an English translation of pertinent excerpts thereof, is attached to Mr. Warcoin's Statement of Facts in Support of Petition Under 37 C.F.R. § 1.47(a).
 - c. On April 17, 2007, Francis Ahner, an associate of Mr. Warcoin's at Cabinet Regimbeau, sent a letter to Mr. Groux by registered mail. Ms. Ahner informed Mr. Groux that his letter dated February 16, 2007, was forwarded to TXCELL and also included a copy of Mr. Foussat's response dated April 25, 2007, and an article attached thereto (Foussat et al., The Journal of Immunology, 2003, p. 5018-5026), and again asking Mr. Groux to sign the formal documents, by registered mail to the address noted above in paragraph 2. Copies of the documents, and return receipt, are attached to Mr. Warcoin's Statement of Facts in Support of Petition Under 37 C.F.R. § 1.47(a).
 - d. On May 24, 2007, Mr. Groux sent an e-mail to Jessica Raicar, an associate of Mr. Warcoin's at Cabinet Regimbeau, in which he continued to refuse to sign the Declaration and Power of Attorney and Assignment documents. A copy of the e-mail, and an English translation thereof, is attached to Mr. Warcoin's Statement of Facts in Support of Petition Under 37 C.F.R. § 1.47(a).
 - e. As of the date of this petition, no signed documents regarding the above-

captioned application have been received from Mr. Groux.

4. Mr. Groux previously executed Power of Attorney documents in the prior International application, PCT/IB2004003882, both as an inventor and as the Director General of TXCELL, to Cabinet Regimbeau. Mr. Groux also previously executed a Declaration in the prior International application. Copies of these documents are attached to Mr. Warcoin's Statement in Support. It is further submitted that the filing of this application is necessary to preserve the rights of the Applicants, namely the remaining inventors, TXCELL and Institut National de la Sante et de la Recherche Medicale (INSERM). See MPEP § 409.03(g).

5. The current application has not yet been assigned. An Assignment to TXCELL and Institut National de la Sante et de la Recherche Medicale (INSERM) executed by the remaining inventors, Valerie Brun and Arnaud Foussat, will be submitted for recordation in the Assignment branch upon grant of the present petition. The prior International application names TXCELL and Institut National de la Sante et de la Recherche Medicale (INSERM) as Applicant. Attached are copies of Consent of Assignment documents executed by authorized representatives of each of TXCELL and Institut National de la Sante et de la Recherche Medicale (INSERM), along with a copy of the Assignment document executed by two of the three listed inventors, wherein each Applicant consents to the present petition.

6. In view of Mr. Groux's written refusal to execute a declaration, the undersigned petitions the U.S. Patent and Trademark Office, in accordance with 37 C.F.R. § 1.47(a) to accept the accompanying declaration from the other joint inventors.

The fee for this Petition is \$130.00. A credit card payment for this amount is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

The undersigned states declares further that all statements made herein are true and that all statements made herein on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements, and the like

so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

If there are any questions regarding the above, please contact the undersigned.

Respectfully submitted,

Date JUN 15 2007

By 

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